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[See last page for additional counsel]

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA *ex*
rel. Doris Modglin and Russ Milko, et
al.,**

Plaintiffs,

v.

DJO GLOBAL, INC., et al.,

Defendants.

Case No. CV12-7152-MMM (JCGx)

**STIPULATION REGARDING
HEARING ON DEFENDANTS'
MOTION TO STAY DISCOVERY**

Complaint Filed: October 20, 2012
FAC Filed: October 10, 2013
SAC Filed: November 8, 2013

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Proposed
Hearing Date: March 10, 2014
Time: 9:00 a.m.
Place: Courtroom 780

Honorable Margaret M. Morrow

[Filed concurrently with [Proposed]
Order Setting Hearing; Joint Notice
of Motion and Motion to Stay
Discovery; Memo. of Points and
Authorities; [Proposed] Order
Granting Motion to Stay Discovery]

STIPULATION

Qui Tam Plaintiffs/Relators Doris Modglin and Russ Milko (“Qui Tam Plaintiffs/Relators”) and Defendants DJO LLC, Biomet, Inc., and EBI LLC f/k/a EBI LP (collectively, “Defendants”) hereby stipulate and agree as follows:

WHEREAS, on January 20, 2014, Defendants filed a Joint Motion to Dismiss the Second Amended Complaint (“Joint Motion to Dismiss”);

WHEREAS, the Joint Motion to Dismiss is scheduled to be heard by this Court on May 5, 2014;

WHEREAS, Defendants have advised Qui Tam Plaintiffs/Relators that they intend to file a Motion to Stay Discovery pending resolution of the Joint Motion to Dismiss;

WHEREAS, Qui Tam Plaintiffs/Relators have advised Defendants that they intend to oppose Defendants’ Motion to Stay Discovery;

WHEREAS, a Scheduling Conference in this case has been ordered for March 10, 2014 at 9:00 a.m. at which time the parties are to report their views on several issues, including whether “discovery should be conducted in phases or otherwise ordered or limited.” (D.E. 48);

WHEREAS, pursuant to Local Rule 7-3, counsel for the Qui Tam Plaintiffs/Relators and the Defendants conferred on January 23, 2014 regarding the Defendants’ anticipated Motion to Stay Discovery and a possible hearing date on this Motion, if needed;

WHEREAS, the parties were unable to resolve their differences relating to Defendants’ anticipated Motion to Stay Discovery;

WHEREAS, on January 30, 2014, Defendants filed their Motion to Stay Discovery;

WHEREAS, on the Court’s calendar, there are no available hearing dates for Defendants’ Motion to Stay Discovery until well after the March 10, 2014 Scheduling Conference;

1 **WHEREAS**, without any concession by Qui Tam Plaintiffs/Relators on the
2 merits of Defendants' anticipated Motion to Stay Discovery or the Joint Motion to
3 Dismiss, the parties submit that, pending the Court's availability and agreement, it
4 would promote efficiency and be in the interests of justice for the Defendants'
5 Motion to Stay Discovery to be heard at the time of the Scheduling Conference on
6 March 10, 2014;

7 **THEREFORE**, Qui Tam Plaintiffs/Relators and the Defendants hereby
8 stipulate and agree, and respectfully request that the Court order that:

9 Defendants' Motion to Stay Discovery shall be heard in this case on March
10 10, 2014 at 9:00 a.m. before Judge Margaret M. Morrow in Courtroom 780, Roybal
11 Federal Building, 255 East Temple Street, Los Angeles, California at the time of
12 the Scheduling Conference.

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14 Dated: January 30, 2014

WARREN•BENSON Law Group

/s/ Philip E. Benson¹

Philip E. Benson

David B. Ketrosier

Gerald Robinson

Attorneys for Qui Tam Plaintiffs/Relators

Doris Modglin and Russ Milko

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19 Dated: January 30, 2014

REED SMITH LLP

/s/ Francisca M. Mok

Francisca M. Mok (SBN: 206063)

Thomas H. Suddath, Jr. (*pro hac vice*)

Attorneys for Defendant DJO LLC

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26 _____
27 ¹ Pursuant to Local Rule 5-4.3.4(2)(i), filing counsel attests that all other signatories
28 listed, on whose behalf the filing is submitted, concur in the filing's content and
have authorized the filing.

1 Dated: January 30, 2014

HOGAN LOVELLS US LLP

2
3 /s/ Dean Hansell

4 Dean Hansell (SBN: 93831)

5 Michele W. Sartori (*pro hac vice*)

6 Jessica L. Ellsworth (*pro hac vice*)

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8 *EBI LLC f/k/a EBI LP*

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